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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/722,499

11/28/2003

Michael Cuylen

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08/11/2006

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EXAMINER

GANDHI, DIPAKKUMAR B

ART UNIT

PAPER NUMBER

2138

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,499

Applicant(s)

CUYLEN, MICHAEL

Examiner

Dipakkumar Gandhi

Art Unit

2138

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. Applicant's request for reconsideration filed on 5/16/2006 has been reviewed.
2. Applicant's amendment filed on 5/16/2006 has been entered
3. Applicant's arguments filed 5/16/2006 have been fully considered but they are not persuasive.
4. The applicant contends, "As per claims 1, 11, 13 and 15, there is no disclosure of generating error information when a first and second final value differ from one another."

The examiner disagrees and would like to point out that Masao teaches to detect the even number of bit errors of total bits transferred (abstract, Masao). Masao also teaches that the RD signal is counted at the UDCNT and when the final data is received, the coincidence is checked at a comparison circuit CMP (abstract, Masao).

5. The applicant contends, "As per claim 1, 11, 13 and 15, applicant requests the examiner to specifically indicate which feature of Masao discloses the claimed first transmitted sequence, and which values disclose the claimed first and second final values that are formed from the first transmitted sequence."

The examiner would like to point out that Masao teaches that the set data is shifted one by one bit and transmitted to a receiving side (abstract, Masao). Masao also teaches that MPX selects outputs CK_0 - CK_m of the UDCNT during the set and the result is set to the SFT_1 (abstract, Masao). Masao also teaches that the RD signal is counted at the UDCNT and when the final data is received, the coincidence is checked at a comparison circuit CMP (abstract, Masao).

6. The applicant contends, "As per claim 1, 11, 13 and 15, applicant requests the examiner to point to a specific teaching in either reference that would provide the suggestion to modify the references in the manner proposed."

The examiner would like to point out that Masao teaches that a transmission signal SD is inputted to an up-down counter UDCNT to count the difference of the transmitted number of "1"s and "0"s of the transmission data (abstract, Masao). Thompson et al. teach the direction of counting (col. 2, lines 28-30, Thompson et al.).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (JP 59045738) in view of Thompson et al. (US 3,699,479). Please see the office action mailed on 2/16/2006 for details.

10. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (JP 59045738) and Thompson et al. (US 3,699,479) as applied to claim 1 above, and further in view of Roche (US 4,138,596). Please see the office action mailed on 2/16/2006 for details.

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (JP 59045738), Thompson et al. (US 3,699,479) and Roche (US 4,138,596) as applied to claim 2 above, and further in view of Sainomoto et al. (US 2001/0054109 A1). Please see the office action mailed on 2/16/2006 for details.

12. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (JP 59045738) and Thompson et al. (US 3,699,479) as applied to claim 1 above, and further in view of Boros (US 4,095,165). Please see the office action mailed on 2/16/2006 for details.

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (JP 59045738) and Thompson et al. (US 3,699,479) as applied to claim 1 above, and further in view of Fairbairn (US 4,181,850). Please see the office action mailed on 2/16/2006 for details.

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14. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (JP 59045738) and Thompson et al. (US 3,699,479) as applied to claim 1 above, and further in view of Sato et al. (US 4,087,627). Please see the office action mailed on 2/16/2006 for details.

15. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (JP 59045738) in view of Thompson et al. (US 3,699,479) and Gomm et al. (US 5,650,761). Please see the office action mailed on 2/16/2006 for details.

16. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (JP 59045738), Thompson et al. (US 3,699,479) and Gomm et al. (US 5,650,761) as applied to claim 15 above, and further in view of Kuttruff et al. (US 2002/0080864 A1) and Eckstein et al. (US 2001/0040507 A1). Please see the office action mailed on 2/16/2006 for details.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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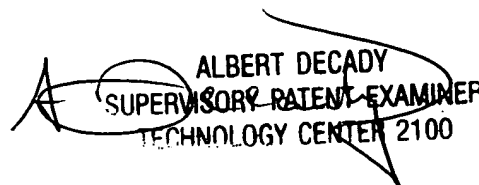
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dipakkumar Gandhi whose telephone number is 571-272-3822. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dipakkumar Gandhi
Patent Examiner



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